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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,514	07/11/2003	Charles M. Coushaine	01-1-439 D1	2971
24252	7590	04/30/2004	EXAMINER	
OSRAM SYLVANIA INC 100 ENDICOTT STREET DANVERS, MA 01923			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/617,514	COUSHAINÉ, CHARLES M.	
	Examiner	Art Unit	
	Hargobind S Sawhney	2875	<i>aw</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10, 12, 13, 16, 17 and 19 is/are rejected.
- 7) ☐ Claim(s) 11, 14, 15 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/11/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The preliminary amendment filed on July 11, 2003 has been entered.

Accordingly:

- Claims 1-7 have been cancelled; and
- The specification has been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-10, 12, 13, 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paire (French Patent No.: FR 2`628823).

Regarding Claim 8, Paire (French Patent No.: FR 2`628823)- hereinafter referred as Paire- discloses a lamp 1 (Figure 1, English translated abstract) comprising:

- a shell-formed main reflector 3 defining a closed volume, and further having a reflective interior surface facing in a forward axial direction to wards the opening (Figure 1, English translated abstract);

- the main reflector having an optical depth and optical radius – maximum radial distance at the opening of the reflector 3 (Figure 1, English translated abstract);
- light emitting diodes (LEDs) 4 positioned within the enclosed volume of the reflector 3 (Figure 1, English translated abstract);
- an intermediate reflector 10,11 positioned along the axis forward of the LEDs 4 (Figure 1, English translated abstract);
- the intermediate reflector 10,11 having its reflective surface 10,11 facing opposite the forward direction with normal ranging from 0 to 90 degrees with respect to the rearward axis (Figure 1, English translated abstract);

However, Paire does not specifically teach the ratio of the optical radius and the optical depth being greater than 2.

It would have been an obvious matter of design choice to shape the reflector with the ratio of its optical radius and the optical depth being greater than 2. Since, the applicant has not disclosed that the ratio of the optical radius and the optical depth being greater than 2 solves any problem or is for a particular reason, it appears that the claimed invention would perform equally well with the reflector having ratio of the optical radius and the optical depth being greater than 2.

Regarding claims 9,10,12, 16, 17 and 19, Paire discloses the lamp 1 (Figure 1, English translated abstract) further comprising:

- the intermediate reflector 10,11 and LEDs 4 joined as a replaceable unit coupled to an opening formed in the main reflector 3 (Figure 1, English translated abstract);
- the intermediate reflector being supported by a central post 8 (Figure 1, English translated abstract);
- the intermediate reflector being supported by a light transmissive wall 12 (Figure 1, English translated abstract);
- the intermediate reflector being supported by a coupling – assembly of elements 7,7a,7b,7c, 12 and 13- to the main reflector 3, and the coupling further including the a light transmissive wall 12 (Figure 1, English translated abstract);
- the LEDs 4 being symmetrically arrayed around the axis (Figure 1, English translated abstract); and
- a transmissive cover lens 15 closing the defined opening in the main reflector 3 (Figure 1, English translated abstract).

Allowable Subject Matter

4. Claims 11, 14,15 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Paire (French Patent No.: FR 2`628823), Kondo (US Patent No.: 6,558,032 B2) , fails to show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not motivate a light fixture combining:

- an intermediate reflector supported by at least two posts offset from the axis as recited in Claim 11;
- a coupling to the main reflector including a light transmissive wall as recited in Claim 14;
- an intermediate reflector supported by a cylinder surrounding one or more LEDs as recited in Claim 15;
- first and second sets of LEDs being independently operated, and providing first and second color light as recited in Claim 18.

The combination of the above-indicated features, including a first and second accessory lamps collectively operating as a masthead light, makes this disclosure unique.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kondo et al. (U.S. Patent No. 6,558,032 B2),

Kondo et al. (U.S. Patent No. 6,447,155 B2),

Gallo (U.S. Patent No.6,364,506 B2),

Zwick et al. (U.S. Patent No. 5,582,480),

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Ruud et al. (U.S. Patent No. 5,105,347)

Brendgord et al. (U.S. Patent No. 4,037,096)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 703-306-5909. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-93067724 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2956.

HSS

4/26/2004



THOMAS M. SEMBER
PRIMARY EXAMINER